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AUG 07 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Applicant: Aaron S. Witt, et al

Application No. 09/943,397

Filed: August 30, 2001

Title: SCANNER-INITIATED
NETWORK-BASED IMAGE INPUT
SCANNING

Group Art Unit: 2194

Examiner: Andy Ho

Confirmation No. 8229

Customer No.: 25453

Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192

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APPELLANTS' BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 21-29, which was contained in the Office Action mailed February 16, 2006.

A timely Notice of Appeal was filed June 6, 2006.

Real Party In Interest

Xerox Corporation is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Appendix I provides a clean, double-spaced copy of the claims on appeal.

Status Of Amendments

No Amendments have been filed since the Final Rejection.

Summary of Claimed Subject Matter

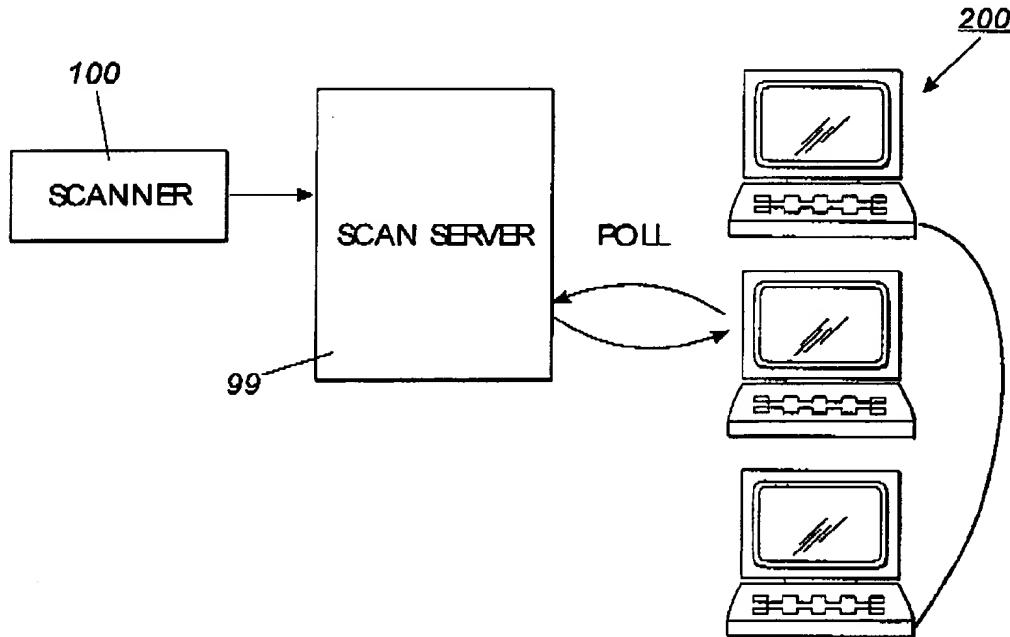
The present invention relates to scanning of hard-copy images to computers in a networked environment.

In the current office-equipment market, particularly where large corporate or institutional customers are involved, it is common to provide a large number of digital devices, such as printers, copiers, and input scanners, which are interconnected over a network. The various devices communicate

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with each other as needed, through known methods such as internet protocol (IP), to move data relating to documents to be printed, copied, scanned to an electronic file, etc.

In the prior art, for input scanning in the network context, it has become familiar to use a "scan server" as an intermediary between one or more scanners and a population of possible destination computers. A diagram explaining the essentials of the use of a network server is shown as Figure 1 as filed:



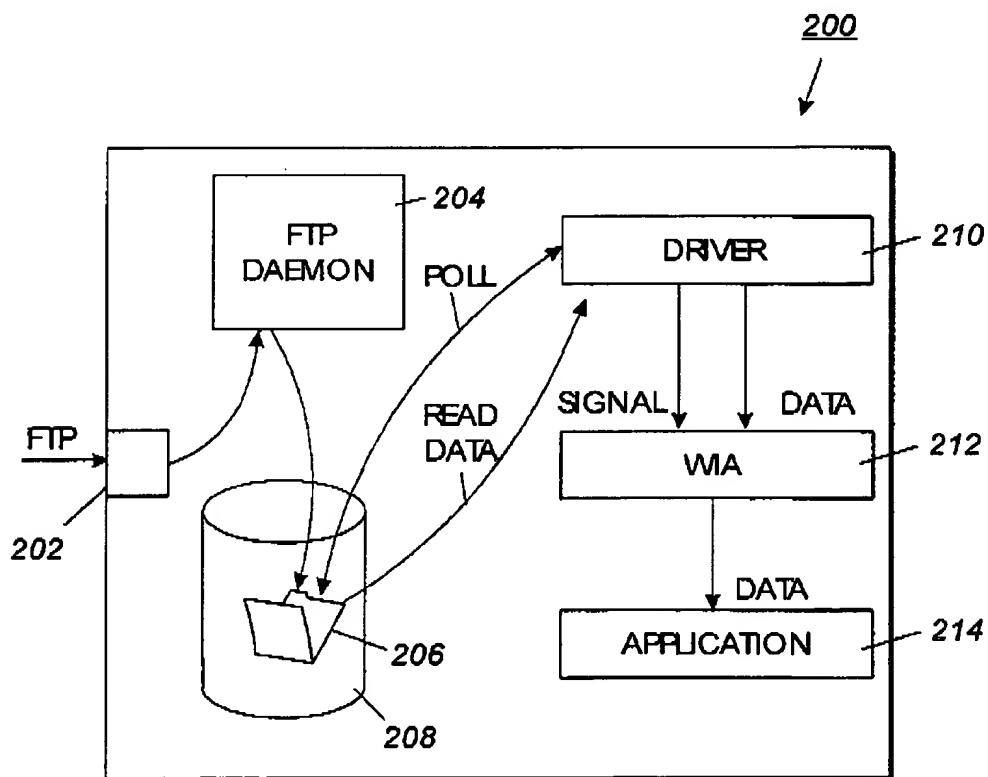
The scan server 99 is a computer that is essentially always on, and which collects, at known locations in its memory, image data from all scanners associated with it. The scanners, such as 100, each send all image data recorded therein to server 99. *In turn*, each of the population of possible

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destination computers, shown here as 200, **must poll scan server 99**, in effect waiting for image data to arrive.

The present invention is directed to a method and apparatus wherein a scanner may directly send image data to a particular destination computer on the network, **without an intermediate scan server**, such as 99 above.

Turning to the claimed invention, Figure 3 as filed is a diagram of a **single** computer 200 of a population of possible destination computers:



In brief, in **each** possible destination computer 200, a predetermined port 202 is assigned to accept files from a scanner. The port 202 is

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associated by the daemon 204 with the root directory of the computer 200, which in turn directs the incoming image data to a "target file" 206. The "target file" 206 of the destination computer is polled at all times to check for incoming images from a scanner, regardless of whether any image data was expected at any time. In effect, the present invention provides software by which **every possible destination computer 200** (and there may be any number of such computers) **acts as its own scan server**.

The practical advantages of the claimed system, in contrast to prior-art arrangements, are:

- 1) scanning of documents can be initiated at a scanner, and
- 2) an intermediate scan server, such as shown as 99 in Figure 1, is not needed.

Issues For Review By The Board

The following issue is presented for review by the Board of Patent Appeals and Interferences:

Whether the two cited references, 6,798,545 (Shih) and 5,911,044 (Lo) can be combined to render claim 21, from which all other pending claims are dependent, obvious.

Arguments

The Examiner has rejected claims 21-29 over Shih in view of Lo.

Claim 21, from which all of the other claims are dependent, recites the following steps:

entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner, the destination including a reference to a

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predetermined file location retained in the destination computer;

the destination computer polling the file location; and
image data moving from the input scanner *directly to a port* associated with the destination computer.

The "directly to a port" language in the claim is indicative of a lack of an intermediate scan server in the claimed invention.

The rejection alleges that the primary reference, Shih, teaches entering the predetermined file location in the destination computer, and points to various passages in Shih to demonstrate the teaching.

However, Shih clearly states that "the document signals are transmitted across the network in an *electronic mail (e-mail) format*" (column 3, lines 51-54, emphasis added).

As is well known in the art, in order to sustain any electronic mail format, there *must* be provided at least one e-mail server, interposed between the source and the destination of the data. Because Shih teaches an e-mail server, it cannot teach that the image data is moved *directly to a port* associated with the destination computer, as recited in the claimed invention.

The secondary reference, Lo, is cited for teaching a scanning system wherein the image is sent from the scanner to the destination port. However, Lo clearly teaches a scanner server interposed between a scanner and a destination computer, or client computer:

These and other objects [of the invention] are accomplished by a network image scanning system which includes a client computer and a scanner server computer connected by a network, the server computer having the scanner connected thereto. ... [A] virtual TWAIN driver allows the application program to act, to a certain extent, as if the client computer is directly connected to an image scanner, even though the

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scanner is connected to a scanner server, the scanner server being connected to the client computer over a computer network. (Column 2, lines 22-33, emphases added.)

By its own admission, Lo teaches that it is desirable that a scanner server be invisible so that the scanner "seems" to be directly connected to the client computer—but there is *still* a scanner server between the scanner and the destination computer. With the claimed invention, there is *actually* a direct connection between a scanner and a destination computer, *without* an intermediate server. Lo merely *simulates* what the claimed invention actually enables.

As neither reference teaches the idea of a direct connection between a scanner and a port of a destination computer, without an intermediate server, the references cannot be combined to render claim 21 obvious.

Summary

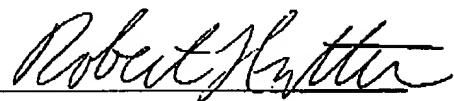
Shih teaches moving data from a scanner to a computer in an e-mail format, which indicates there is an intermediate e-mail server. Lo similarly teaches the existence of an intermediate network server, although it is desirable to *simulate* a direct connection. **Neither reference, alone or in combination, teaches or enables a direct connection between a scanner and a port of a destination computer. The claimed invention recites and enables a feature that neither reference can do.** For this reason, claim 21 and its dependent claims 22-29 are allowable.

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Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 21-29.

Respectfully submitted,



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Attachments

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Appendix I - Claims on Appeal

21. (Previously Presented) A method of scanning a document at an input scanner and recording image data derived from the document at a selected destination computer among a population of destination computers, comprising:

entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner, the destination including a reference to a predetermined file location retained in the destination computer;

the destination computer polling the file location; and
image data moving from the input scanner directly to a port associated with the destination computer.

22. (Previously Presented) The method of claim 21, there being no server operatively interposed between the input scanner and the port associated with the destination computer.

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23. (Previously Presented) The method of claim 21, the destination computer not polling the port through which image data from the scanner enters the destination computer.

24. (Previously Presented) The method of claim 21, further comprising

the selected destination computer activating an image acquisition program in response to detecting incoming image data in the file location.

25. (Previously Presented) The method of claim 21, further comprising

a daemon within the destination computer conveying image data from the port to the file location.

26. (Previously Presented) The method of claim 21, the input scanner scanning a document including a plurality of page images.

27. (Previously Presented) The method of claim 21, further comprising

the destination computer sending a template to the input scanner, the template including a network address of the computer.

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28. (Previously Presented) The method of claim 27, further comprising

in response to receiving a confirmation of receiving the template from the input scanner, the destination computer retaining information about the input scanner.

29. (Previously Presented) The method of claim 28, further comprising

the destination computer retaining information about the input scanner on a list of approved input scanners; and

the destination computer refusing to accept image data from an input scanner not associated with the list of approved input scanners.